

AMENDED IN SENATE MAY 16, 2006
AMENDED IN SENATE APRIL 6, 2006
AMENDED IN SENATE MARCH 29, 2006
AMENDED IN SENATE MARCH 20, 2006

SENATE BILL

No. 1323

Introduced by Senator Cedillo

February 16, 2006

An act to add Chapter 9 (commencing with Section 6830) to Part 2 of Division 6 of the Welfare and Institution Code, relating to mental health, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1323, as amended, Cedillo. Los Angeles County mental health: treatment pilot program for felony offenders.

Existing law requires the State Department of Mental Health to develop, implement, and regulate various mental health programs in this state. Existing law, the Branson-McCorquodale Act, establishes provisions to organize and finance community mental health services for persons with mental disorders in every county through locally administered and locally controlled community mental health programs.

This bill would appropriate \$350,000 from the General Fund to the department for allocation, over 5 years, to the County of Los Angeles, at the consent of the county, for the purpose of ~~creating~~ *funding* one position ~~within the Los Angeles County Department of Mental Health~~ to work, in conjunction with the Los Angeles County Superior Court, on a 5-year ~~Co-existing Mental Disorders Treatment Prototype Court~~ Pilot Program for nonviolent felony offenders in the state who have

been identified as having both serious mental health and substance abuse problems.

The bill would require ~~the Los Angeles County Department of Mental Health to collaborate with~~ *to use the funds received under this bill to fund one deputy probation officer to serve on a prototype court and would require collaboration with the court and team with* prescribed other local agencies ~~to successful implementation of team members to provide case management and other related services under the program.~~

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. The~~

2 *SECTION 1. Chapter 9 (commencing with Section 6830) is*
3 *added to Part 2 of Division 6 of the Welfare and Institutions*
4 *Code, to read:*

5
6 *CHAPTER 9. LOS ANGELES COUNTY PROTOTYPE COURT PILOT*
7 *PROGRAM*

8
9 6830. The Legislature finds and declares all of the following:

10 (a) People with a mental illness are significantly
11 overrepresented in jails and prisons.

12 (b) Approximately 5 percent of the United States population
13 has a serious mental illness. However, according to the United
14 States Department of Justice, 16 percent of the prison and jail
15 population has a mental illness.

16 (c) The Los Angeles County Jail holds more people with
17 mental illness on any given day than any psychiatric facility in
18 the United States.

19 (d) It is expensive to keep mental health patients in jail. The
20 cost of drug treatment for inmates in *the* California Department
21 of Corrections and Rehabilitation (CDCR) is eleven dollars (\$11)
22 per day. Treatment extends anywhere from six months to two
23 years. This cost translates to an additional cost of four thousand
24 dollars (\$4,000) per year, per inmate. There are approximately
25 3,000 inmates in CDCR receiving some level of mental health
26 services.

1 (e) Inmates with mental illnesses tend to stay in jail longer
2 than other ~~people~~ *inmates*. In 2000, in Pennsylvania, inmates
3 with mental illnesses were twice as likely as other inmates to
4 serve their maximum sentence.

5 (f) Mental health inmates have some of the highest rates of
6 recidivism. Ninety percent of Los Angeles County jail inmates
7 with mental illness are repeat offenders. An estimated 31 percent
8 have been incarcerated 10 or more times.

9 (g) Three quarters of inmates with a mental illness have a
10 cooccurring substance abuse problem, a fact which emphasizes
11 why a coordinated approach to treatment is needed.

12 (h) Individuals with cooccurring mental illness and substance
13 abuse disorders suffer more severe difficulties and use services
14 more often than people with only one disorder.

15 (i) A coordinated approach to treatment leads to a decrease in
16 recidivism and an increase in treatment adherence. In the case of
17 cooccurring disorder courts, staff at the Lane County Substance
18 Abuse Mental Health Services Administration (SAMHSA) jail
19 diversion program report that treatment adherence among
20 cooccurring individuals is actually higher than the drug offender
21 group because of the high degree of case management provided
22 by the mental health specialist liaison.

23 (j) Many of the inmates who suffer from mental illnesses are
24 incarcerated because of behaviors associated with their
25 psychiatric condition. In the Los Angeles County jail of the 1,832
26 mental health patients, 367 of them were arrested for drug or
27 alcohol offences. Nearly one-half of the inmates in prison with a
28 mental illness were incarcerated for committing a nonviolent
29 crime. A study in North Carolina found that people with mental
30 illnesses are almost three times more likely to be victims of
31 violent crimes than people without a mental illness. The
32 California Department of Justice reports that from the period
33 between 1998 and 2003, approximately 28 percent of the felony
34 arrests were due to drug offences.

35 ~~SEC. 2.~~

36 6831. (a) The sum of three hundred fifty thousand dollars
37 (\$350,000) is hereby appropriated from the General Fund to the
38 State Department of Mental Health for allocation over five years
39 to the County of Los Angeles for the pilot program established
40 by this ~~act~~ *chapter* for the purpose of funding a ~~probation staff~~

~~position in the Los Angeles County Department of Mental Health; deputy probation officer position.~~ Commencing on January 1, 2007, the ~~probation staff~~ *deputy probation officer* position shall work in conjunction with the Los Angeles County Superior Court on a five-year Prototype Court Pilot Program for nonviolent felony offenders in the state who have been identified as having both serious mental health and substance abuse problems. Acceptance of this funding, and participation in the pilot program, by the County of Los Angeles shall be voluntary.

(b) For purposes of this ~~act~~, *chapter*, the five-year Prototype Court Pilot Program shall include all of the following characteristics:

(1) Eligible participants shall include individuals who have coexisting serious and persistent mental illnesses, as well as a documented history of substance abuse who face nonviolent felony criminal charges in the downtown area of Los Angeles County. The program shall attempt to serve approximately 250 individuals each year.

(2) The pilot program shall be administered in Department 113 of the Los Angeles Superior Court located in the Foltz Criminal Justice Center in downtown Los Angeles.

(3) ~~The Los Angeles County Department of Mental Health shall use the funding it receives under this act to hire~~ *chapter to fund one probation staff position who will serve on a staff team of approximately four mental health professionals to collaborate with the pilot program. The staff team shall work within the deputy probation officer position. The deputy probation officer shall serve on a pilot prototype court team consisting of approximately four mental health professionals, a deputy district attorney, and a deputy public defender. This team shall work* within the prototype court to provide evaluations, assessments, case management, referrals to services and treatment, and court consultation.

(4) Participation referrals to the pilot program shall originate from a variety of sources including jail staff, court staff, judicial officers, attorneys, sheriff's deputies, and law enforcement officers, *including, but not limited to, probation officers.* Defendants' initial referral to the pilot program, as well as all support services provided by the staff team, shall be voluntary.

1 (5) Upon receiving a referral, the pilot-program-staff *prototype*
2 *court* team shall make a preliminary evaluation of the
3 individual's eligibility, followed by an assessment and
4 acceptance for the program by the defense attorney, prosecuting
5 attorney, and judge.

6 (6) Upon acceptance into the program, the pilot program staff
7 team shall work with the participant to develop an individualized
8 service plan designed to achieve all of the following goals in lieu
9 of incarceration:

10 (A) Protect the safety of the public.

11 (B) Minimize the costs of incarceration and criminal court
12 proceedings.

13 (C) Provide the participant with safe and stable housing.

14 (D) Provide the participant with mental health and substance
15 abuse treatment services.

16 (E) Reduce the participant's psychiatric hospitalizations.

17 (F) Reduce the participant's recidivism.

18 (G) Assist the participant in finding productive uses of his or
19 her time, including, but not limited to, employment, training, or
20 education.

21 (H) Access health care coverage for the participant, including,
22 but not limited to, social security and Medi-Cal benefits.

23 (7) Once all parties have agreed on the individualized service
24 plan, the participant shall appear before the court for a
25 dispositional hearing. On a case-by-case basis, the court shall
26 determine the conditions to which the participant must adhere,
27 sanctions for noncompliance, incentives for participation, court
28 appearance orders, and requirements for program completion.

29 (8) The Los Angeles County Department of Mental Health
30 shall collaborate with Department 113 of the Los Angeles
31 Superior Court, the Los Angeles Court Probation Department,
32 other Los Angeles Superior Courts, drug courts and Proposition
33 36 courts, the Los Angeles County Department of Health
34 Services, the District Attorney, the Public Defender or other
35 defense attorneys, and the Sheriff's Department, to ensure
36 successful implementation of the Prototype Court Pilot Program.

37 (9) Los Angeles County shall conduct an evaluation of the
38 effectiveness of the program, including, but not limited to, the
39 program's effect for each participant on all of the following:

40 (A) Recidivism rates.

- 1 (B) Probation violations.
- 2 (C) New criminal charges.
- 3 (D) Number of psychiatric hospitalizations.
- 4 (E) Participation in mental health treatment.
- 5 (F) Participation in substance abuse treatment.
- 6 (G) Enrollment in benefits, including, but not limited to, social
- 7 security and Medi-Cal.
- 8 (H) Housing status.
- 9 (I) Employment, training, or educational activities.
- 10 (10) By July 1, 2012, Los Angeles County shall provide a
- 11 report to the Legislature describing the findings of its evaluation
- 12 of the program.